

TABLE OF CONTENTS

SECTION 5, ADMINISTRATIVE REQUIREMENTS	1
5.1. INTRODUCTION	1
5.2. CUSTOMER REFERENCES	1
5.3. VENDOR RESPONSIBILITY	2
5.3.1. Financial Responsibility Information.....	2
5.3.2. Bond Requirements of the Bid.....	4
5.3.3. Bonding Requirements of the Award	4
5.4. SUBCONTRACTORS AND SUPPLIERS.....	5
5.5. EMPLOYMENT OF PEOPLE WITH DISABILITIES AND THE ADA.....	7
5.6. EMPLOYMENT OF RELAY STAFF	7
5.7. NON-DISCRIMINATION.....	9
5.8. CONFIDENTIALITY OF DATA	9
5.9. OTHER ADMINISTRATIVE REQUIREMENTS.....	9
5.9.1. Amendable Contract.....	9
5.9.2. Federal Employer Identification Number	10
5.10. DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) PARTICIPATION.....	6A
Exhibit 5A, Confidentiality Statement.....	7
Exhibit 5B, Disabled Veteran Business Enterprise (DVBE) Participation Requirements.....	8

SECTION 5

ADMINISTRATIVE REQUIREMENTS

5.1. INTRODUCTION

In addition to meeting the technical requirements of this RFP, bidders must adhere to all the administrative requirements of this RFP to be responsive. These include the rules in Section 2, the schedule specified in Section 1.7, the format specified in Section 8, the completion of cost sheets specified in Section 7, satisfactory performance of all demonstrations and tests as specified in Section 10, and the administrative requirements of this Section 5.

5.2. CUSTOMER REFERENCES

The purpose of the Customer Reference Requirement is to provide the DDTP the ability to verify the experience and claims made in the proposal by the bidder. References will be evaluated as specified in Section 9, Evaluation.

Bidders for each component shall provide a list of at least three (3) customers who presently use the same or similar services of those being bid, i.e., network services, call center services, and network management services. The customers used for reference purposes should be paying customers external to the bidder's organization and its corporate organization. Bidders that list fewer than three customer references or whose references are not external to the bidder's organization may receive a less favorable evaluation, including the possibility of a material deviation if at the DDTP's sole discretion it decides that the bidder has not clearly demonstrated sufficient knowledge and experience to assure a successful implementation. Include the name, title, address, and telephone number of at least one contact person for each reference, along with a description of the services provided to the customer. Customer references will be contacted, and the bidders past performance will be evaluated to assess the bidder's ability to successfully perform. Evaluation will include, similarity in size, nature and scope to those being proposed (e.g., experience with TRS and services to the deaf and speech disabled community), as well as the positive or negative nature of the reference, per RFP Section 9, Evaluation. Current members of the DDTPAC and the CRSAC, the DDTP's Executive Director and CRS Contract Manager, and members of and support staff to the CRS RFP Subcommittee and Evaluation Team shall not be named as reference contacts due to conflict of interest.

5.3. VENDOR RESPONSIBILITY

Prior to an award of a contract, the DDTP must be assured that each vendor has all of the resources to successfully perform. This includes, but is not limited to, personnel in the numbers and with the skills required (or acceptable provisions for acquiring such personnel), equipment of appropriate type and in sufficient quantity, financial resources sufficient to complete performance under the contract, and verifiable experience in similar endeavors. Bidding firms must show that they have been in business for a minimum of three (3) years from the due date of the Final Proposal listed in RFP Section 1.7., substantially providing similar services (network, call center, or network management services.) For joint venture proposals, each participant of the joint venture must meet these requirements. If, during the evaluation process, the DDTP is unable to assure itself of the vendor's ability to perform under the contract, if awarded, the DDTP has the option of requesting from the vendor any information that the DDTP deems necessary to determine the vendor's responsibility. If such information is required, the vendor will be so notified and will be permitted a minimum of five working days to submit the information requested.

If the information submitted by the vendor, or available from other sources, is not sufficient to satisfy the DDTP as to the vendor's contractual responsibility, the DDTP may ask for additional information or eliminate the vendor from further consideration. The DDTP's determination of the vendor's responsibility, for the purposes of this RFP, shall be final.

NOTE: If any of the information submitted as a result of the request for information in accordance with the provisions of this paragraph is identified as confidential by the bidder, it shall be treated as such by the DDTP and returned when the bidder's responsibility has been determined. See RFP Section 2.9.3.

5.3.1. Financial Responsibility Information

To ensure the financial responsibility of the prospective providers, at least one of the following items shall be submitted with the final proposal:

- 1) Most recently audited financial statement or 10K Report.
- 2) Statement of Income and related earnings for the previous fiscal year.
- 3) Cash-flow statement for the previous fiscal year.
- 4) Opinions concerning the financial statements from a CPA.

5) Primary banking source letter of reference.

Note that this financial responsibility information should be submitted under separate sealed cover to the DDTP Procurement Official by the date indicated in RFP Section 1.7 for item #6 in order for the DDTP to review the information and assess responsibility

prior to the final proposal. If marked “confidential” this information will be returned to the bidder after the assessment and will not become public record.

5.3.2. Bond Requirements of the Bid

All bidders must submit a Letter of Bondability, or a Letter of Certificate of Deposit, or an Irrevocable Letter of Credit with their response to the RFP.

- 1) The Letter of Bondability shall be from an admitted Surety Insurer which states that if the bidder is successful, the surety shall guarantee to execute, within twenty-one (21) calendar days after the date of the contract award, a faithful Performance Bond as required in Section 5.3.3. of this RFP.
- 2) A Letter of Certificate of Deposit or an Irrevocable Letter of Credit shall be insured by the Federal Deposit Insurance Corporation and shall state that if the bidder is successful, a Certificate of Deposit or an Irrevocable Letter of Credit will be furnished to the DDTP within twenty-one (21) calendar days after the date of the contract award.

5.3.3. Bonding Requirements of the Award

All awarded vendors must, within twenty-one (21) calendar days after the date of the contract award, furnish the procurement official identified in Section 1, at no cost to the DDTP, a faithful performance bond, certificate of deposit, or irrevocable letter of credit in the amount shown below. The fiduciary instrument shall be made payable to the Deaf and Disabled Telecommunications Program, must be service oriented (i.e., shall not be a construction bond), and must guarantee the provider’s compliance with the terms and conditions of the contract. The amount of the fiduciary instrument shall be:

Two million dollars (\$2,000,000) for the awarded Network Services provider.

Two million dollars (\$2,000,000) for the awarded Network Management Services provider.

Eight million dollars (\$8,000,000) for the awarded Call Center Services Provider if there is only one CCS provider.

Four million dollars (\$4,000,000) for each awarded Call Center Services Providers if there are two CCS providers.

Two million seven hundred thousand dollars (\$2,700,000) for each awarded Call Center Services Providers if there are three CCS providers.

Two million dollars (\$2,000,000) for each awarded Call Center Services Providers if there are four CCS providers.

An approved fiduciary bonding instrument shall be provided throughout the duration of the awarded contract. Contractors may issue to the DDTP such instruments in shorter durations of not less than one year, except that the period covering the end of the contract need only be bonded to the end date. If a contractor provides a bonding instrument with a duration of less than the contract period, the subsequent bonding instrument shall be provided to the DDTP at least 30 days prior to the expiration of the previous bond, or within 21 days of a contract extension, although the effective date of the new bond need not begin until the expiration of the previous bond. Successive bonding instruments need not be provided by the same surety or financial institution.

Fiduciary instruments that do not meet the above terms shall be rejected and if a suitable instrument is not provided, the vendor's contract may be terminated for cause.

5.4. SUBCONTRACTORS AND SUPPLIERS

The successful providers selected for each component (network services, call-center services and network management services) will be responsible for coordinating and controlling all aspects of implementation, including support to be provided by any subcontractor and/or secondary providers or suppliers. Each provider, regardless of the service being provided, shall be the sole point of contact with the DDTP regarding performance except as provided for in RFP Exhibit 11C, paragraph 21a. The DDTP's awarded provider will be fully responsible to the DDTP for the performance of any services performed by a subcontractor, as if the awarded provider is performing the services themselves.

All bidders must identify within their proposal, in response to this section, all proposed subcontractors and suppliers expected to earn fifteen percent (15%) or more of the provider's total reimbursement from the DDTP during any year that service is provided.¹ The information to be provided with the bid, associated with each such subcontractor or supplier, must include:

1. The name, and address of the subcontractor or supplier.
2. The Federal Employer Identification Number of the subcontractor or supplier.
3. The name and contact phone number of a contact person within the subcontractor or supplier organization.
4. A brief description of the nature of the work to be performed or goods supplied.

¹ For purposes of this paragraph, a year is defined as the annually reoccurring twelve-month period commencing with the date of award, and the contract term should be considered as five years.

5. The estimated percent of the bidder's anticipated total CRS revenue that the subcontractor or supplier is expected to receive during each year the contract's term.
6. A copy of the proposed contract between the vendor and the subcontractor.

The vendor must submit a copy of the final signed subcontract to the DDTP within fourteen (14) calendar days of signature, and any final changes to items two through four, above.

All subcontractors and suppliers who are expected to receive more than fifteen percent (15%) or more of the estimated value of the contract over the full term of the contract, shall also be required to meet all other Administrative Requirements of this RFP, and the bidder's response to this RFP must include the subcontractor's response to:

RFP Section 5.2., Customer References

RFP Section 5.3., Vendor Responsibility, as gauged by a response to RFP Section

5.3.1., Financial Responsibility Information

RFP Section 5.5., Employment of People with Disabilities and the ADA

RFP Section 5.7., Non-Discrimination

RFP Section 5.8., Confidentiality of Data and Exhibit 5A

And, if the bidder is submitting a proposal for Call Center Services (CCS):

RFP Section 5.6., Employment of Relay Staff

Such subcontractor and supplier responses will be evaluated as part of the bidders' overall proposal.

RFP Section 5.8., Confidentiality of Data and Exhibit 5A shall apply to all CRS subcontractors and suppliers, regardless of their size or anticipated percentage revenue. Exhibit 5A does not, however, have to be signed by subcontractors and suppliers and submitted with the bidder's proposal unless the subcontractor or supplier is expected to receive 15% or more of the revenue as described above.

5.5. EMPLOYMENT OF PEOPLE WITH DISABILITIES AND THE ADA

The Deaf and Disabled Telecommunications Program and the California Relay Service are designed to provide functional equivalency of communication over the public networks for people with disabilities. In recognition of the special and strong contribution people with disabilities can make to the Program and CRS, the DDTP expects providers to comply with the Americans with Disabilities Act and to employ persons with disabilities to the greatest extent possible, and to employ people with disabilities directly with the provider's CRS program. In recognition of the benefit to the program and to the community it serves, the bidders' proposed inclusion of people with disabilities will be evaluated as specified in RFP Section 9. This evaluation will include the inclusion of people with disabilities within the senior and on-site management, training, and DDTP liaison, as will the vendors' offering of upward mobility, responsibility and career development for such individuals.

Bidders shall describe their employment plans for relay with regard to the above. Bidders may include in their proposal the number of people who are deaf or disabled currently employed in senior and on-site management and training. After award, vendors may report this data initially for acceptance testing and annually thereafter. Responses shall be evaluated as described in RFP Section 9.

5.6. EMPLOYMENT OF RELAY STAFF

Excellent relay Communications Assistants (CAs) are the heart of quality relay. Lack of a positive attitude, necessary skills, understanding and appreciation of the communication needs of the disabled community, and attention to detail cannot be compensated for with technology. Therefore, vendors are strongly encouraged to:

- Offer highly attractive compensation packages,

- Establish hiring practices that attract and hire the best possible quality employees with positive attitudes and a strong desire to assist the disabled through their role in relay,
- Create a comfortable and supportive work environment, and
- Establish strong policies and programs that serve to reward excellence and promote retention of quality employees.

CCS Bidders shall describe how they will attract, hire and retain quality relay staff. Responses shall be evaluated as described in RFP Section 9. Note, only CCS bidders need to respond to section 5.6.

5.7. NON-DISCRIMINATION

During the performance of this contract, the providers and its subcontractors shall not unlawfully discriminate, harass or allow harassment, against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, disability (including HIV and AIDS), medical condition (including cancer), age, marital status, denial of family and medical care leave and denial of pregnancy disability leave. Contractors and subcontractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Contractor and subcontractor shall comply with the provisions of the Fair Employment and Housing Act (Government Code, Section 12900 et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285.0 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12900 (a-f), are set forth and incorporated into this RFP by reference and made a part hereof as if set forth in full. Contractors and their subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.

5.8. CONFIDENTIALITY OF DATA

The bidder agrees to treat all CRS caller information (including but not necessarily limited to caller profile and disability information; identification of callers and called parties names, addresses, and phone numbers; information related to an individual caller's calling histories, patterns of use, etcetera; and information related to consumer billing) completely confidential except as specifically required in this RFP and any resulting contract, and shall submit a Confidentiality Statement to that effect, as provided in Exhibit 5A.

5.9. OTHER ADMINISTRATIVE REQUIREMENTS

5.9.1. Amendable Contract

Each contract executed as a result of the RFP must be able to be amended by mutual consent of the DDTP and the vendor.

5.9.2. Federal Employer Identification Number

The bidder agrees to provide their company's Federal Employer Identification Number (business IRS number) with the submission of the Final Proposal.

5.10. DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) PARTICIPATION REQUIREMENTS

The California Public Utilities Commission has ordered that Disabled Veteran Business Enterprise (DVBE) Participation Requirements be included within this RFP. These requirements are in principle conformance with Public Contract Code Section 10115 et seq., the Military and Veterans Code Section 999 et seq., and California Code of Regulations Title 2 (2CCR) Section 1896.60 et seq., which establish a contract participation goal of at least three percent (3%) for disabled veteran business enterprises. All firms submitting a proposal in response to this RFP must comply with the DVBE participation requirements as defined in the newly revised instructions and forms for bidders to respond to, attached as Exhibit 5B. The California Department of General Services is in the process of reviewing the language of Exhibit 5B, and may issue minor changes. Such changes will not modify the goal requirements, which are established in statute and regulation, but may result in minor changes in form or procedure. If such potential changes occur, they will not be effective in this RFP until released as an official addendum to this RFP.

Bidders are strongly encouraged to review Exhibit 5B carefully to ensure that submittals conform to the revised requirements. Failure to submit a complete response may result in a non-responsive determination, in which case the proposal will be rejected. Exhibit 5B contains:

- Attachment 1, DVBE Program Participation Requirements
- Standard Form 840, Documentation of DVBE Program Requirements
- Standard Form 840A, Additional DVBE Contacts
- Attachment 1, Supplier Checklist

The DDTP has arranged for a representative from the California Department of General Services (DGS) to directly answer questions from bidders regarding these DVBE participation requirements and to assist bidders understand the attached instructions. Bidders may contact this individual directly only for DVBE participation requirement information and assistance. All other questions, as well as official proposal correspondence and submissions (including DVBE submittals), must continue to be directed to the CRS RFP Procurement Official listed in RFP Section 1.5. The DGS person assigned to assist bidders with the DVBE participation requirements is:

Ms. Rhonda Smith	(916) 375-4502 (voice)
Senior EDP Acquisition Specialist	(916) 375-4490 (fax)
State of California	(916) 615-1003 (pager)
Department of General Services	rhonda.smith@dgs.ca.gov
(email)	

Procurement Division
707 Third Street, Suite 2nd Floor
West Sacramento, CA 95605

Please note that proposal submissions for each RFP Component (NS, CCS and NMS) must separately comply with this RFP's DVBE participation requirements.

Exhibit 5A, Confidentiality Statement

As an authorized representative and/or corporate officer of the company named below, I warrant that my company and its employees and subcontractors will not disclose any CRS caller information (including but not necessarily limited to caller profile and disability information; identification of callers' and called parties' names, addresses, and phone numbers; information related to an individual caller's calling histories, patterns of use, etcetera; and information related to consumer billing), made available to us by the State, by the DDTP, by other past or present DDTP CRS vendors, or obtained as a result of providing the services awarded as a result of this RFP, except as specifically required in the RFP and resulting contract. I warrant that only those employees and subcontractors required to use such data will have access to them.

I further warrant that all such CRS caller information shall not be used by my company, subcontractors or its affiliates for marketing or soliciting any goods or services without the prior, specific, written approval of the DDTPAC.

I further warrant that all materials provided by the State or the DDTP will be returned promptly after use and that all copies or derivations of the materials will be physically and/or electronically destroyed, except as specifically required in the RFP and resulting contract. I will include with the returned materials, a letter attesting to the complete return of materials, and documenting the destruction of copies and derivations. Failure to so comply will subject this company to liability, both criminal and civil, including all damages to the State and the DDTP and third parties. I authorize the State and the DDTP to inspect and verify the above at any time.

I warrant that if my company is awarded the contract, it will not enter into any agreements or discussions with a third party concerning such materials prior to receiving written confirmation from the DDTP that such third party has an agreement with the DDTP similar in nature to this one.

(Signature of representative)

(Typed name of representative)

(Typed name of company)

Exhibit 5B, Disabled Veteran Business Enterprise (DVBE) Participation Requirements

ATTACHMENT 1 California Disabled Veteran Business Enterprise Program Requirements

The Disabled Veteran Business Enterprise (DVBE) Participation Goal Program for state contracts is established in Public Contract Code (PCC) Section 10115 et seq., Military & Veterans Code Section 999 et seq. and California Code of Regulations, Title 2 (2CCR), Section 1896.60 et seq. **The minimum DVBE participation percentage is 3% for this solicitation.**

The bidder must document at least one of the options (A, B or C) in this ATTACHMENT 1 to comply with this solicitation's DVBE program requirements. Bids or proposals (hereafter called "bids") that fail to fully document one of the DVBE program requirements options shall be considered non-responsive and ineligible for award. All information submitted to comply with this solicitation's DVBE requirements is subject to verification by the State.

Only State of California, Office of Small Business & DVBE Certification certified DVBEs who perform a commercially useful function relevant to this solicitation may be used to satisfy the DVBE program requirements. The criteria for performing a commercially useful function is contained on RFP Section 5 page 12, Resources & Information (California Code of Regulations, Title 2, Section 1896.61(l)). Verify each DVBE subcontractor's / supplier's certification with the Office of Small Business & DVBE Certification to ensure DVBE eligibility.

To meet the DVBE program requirements, bidders must complete and fully document at least one of the following compliance options:
Option A - Commitment to full DVBE participation - For a bidder who is a DVBE or who is able to meet the commitment to use identified DVBE(s) to fulfill the full DVBE participation goal.
Option B - Good Faith Effort - For a bidder documenting its effort to obtain DVBE participation that may result in partial or no DVBE participation.
Option C - Business Utilization Plan - For a bidder using an annual plan (subject to approval) to satisfy DVBE participation requirements. Applies only to solicitations for goods and information technology.

PLEASE READ ALL INSTRUCTIONS CAREFULLY. These instructions contain information about the DVBE program requirements, bidder responsibilities, and requirements for performing and documenting each of the three available options as detailed below. Bidders are responsible for thorough review and compliance with these instructions. Document your option selection on the attached STD 840 form.

OPTION A – COMMITMENT -- Commit to meet or exceed the DVBE participation requirement in this solicitation by either Method A1 or A2. Bidders must document DVBE participation commitment by completing and submitting the attached STD 840 form. Failure to complete and submit STD 840 (Side 1) as instructed shall render your bid non-responsive.

Exhibit 5B, Disabled Veteran Business Enterprise (DVBE) Participation Requirements

Method A1. Certified DVBE bidder:

- a. Commit to performing at least 3% of the contract bid amount (unless otherwise specified) with your firm or in combination with other DVBE(s).
- b. Document DVBE participation on STD 840 (Side 1) and attach a copy of all applicable certifications.
- c. A DVBE bidder working in combination with other DVBEs may be requested to submit proof of its commitment by submitting a written agreement with the DVBE(s) identified in its bid's STD 840. If requested, the written agreement must be submitted to the address or facsimile number specified and within the timeframe identified in the notification. Failure to submit the requested written agreement as specified may be grounds for bid rejection.

Method A2. Non-DVBE bidder:

- a. Commit to using certified DVBE(s) for at least 3% of the bid amount.
- b. When a bidder commits to less than the required 3% DVBE participation or its commitment may fall below 3% if specific line items/groups (e.g., RFP "mandatory-optional" or "desirable" items) are not selected for award, then Option B, Good Faith Effort must be completed in addition to Option A, Commitment.
- c. Document DVBE participation on STD 840 (Side 1) and attach a copy of the DVBE's certification.
- d. A bidder may be requested to submit proof of its commitment by submitting a written agreement with the DVBE(s) identified in its bid's STD 840. If requested, the written agreement must be submitted to the address or facsimile number specified and within the timeframe identified in the notification. Failure to submit the requested written agreement as specified may be grounds for bid rejection.

OPTION B – GOOD FAITH EFFORT (GFE) performance and documentation requirements must be completely satisfied if you are unable to obtain and commit to the full DVBE participation percentage goal (Option A) and do not exercise Option C. Perform and document the following Steps 1 through 5 on both sides of the attached STD 840 form. Failure to perform and document GFE Steps 1 through 5 as instructed, which includes properly completing and submitting both sides of STD 840, shall result in your bid being deemed non-responsive. Step 3, Advertisement, is required.

Step 1 Awarding Department - Contact the department's contracting official named in this solicitation to identify interested DVBEs. You must fully document this contact and describe the results on STD 840 (Side 2).

Step 2 Other State and Federal Agencies, and Local Organizations

STATE Contact the DGS-PD Office of Small Business & DVBE Certification to identify certified DVBEs by telephone for a hardcopy list [916 / 327-9978 for the 24-hour automated telephone system or 916 / 375-4940 for the receptionist during normal business hours] or search the online database at <http://www.dgs.ca.gov/osbcr>. Begin by selecting Certified Firm Inquiry Services, then search by using either the Keyword Search or the

Exhibit 5B, Disabled Veteran Business Enterprise (DVBE) Participation Requirements

Standard Query options. You must fully document this contact and describe the results on STD 840 (Side 2).

FEDERAL Search the U.S. Small Business Administration's (SBA) online database (Pro-Net) at <http://www.pro-net.sba.gov> to identify DVBEs. Select these minimum options in the following sequence: select Search Database; select CA under "State"; select Service Disabled Veteran under "Other Ownership Data"; and "Search Using These Criteria" at the page bottom. The database takes a few moments to query, and then your list will appear on your screen. You may select other criteria to focus your search. You must fully document this contact and describe the results on STD 840 (Side 2).

LOCAL Contact at least one local DVBE organization to identify DVBEs. For a list of local DVBE organizations, please refer to the DVBE Resource Packet that may be accessed online (<http://www.pd.dgs.ca.gov>) or obtain a hardcopy by requesting it from DGS-PD Office of Small Business & DVBE Outreach & Education (see the Resources & Information page). You must fully document your contact with local DVBE organizations and describe the results on STD 840 (Side 2).

Step 3 Advertisements are mandatory.

CONTENT REQUIREMENTS: Ads must include all of the following: (1) company name; (2) contact name; (3) address; (4) telephone and facsimile (if applicable) numbers; (5) e-mail address (if applicable); (6) the state's solicitation number(s); (7) goods and/or services for which the state is soliciting; (8) the location of the work to be performed; and (9) the State's bid(s) due date and/or your due date for receiving sub-bids.

HOW MANY & WHERE TO PUBLISH: Bidders must publish two (2) ads, one (1) each in a trade paper and a DVBE focus paper unless the paper is dual purpose (fulfilling both trade and focus requirements as defined in California Code of Regulations, Title 2, Section 1896.61(k)), in which case one (1) ad is acceptable. Please see the DVBE Resource Packet for a list of acceptable publications.

WHEN: Ads must be published after the solicitation release and for at least 7 days prior to the bid due date, unless a different time period is expressly established in this solicitation.

DOCUMENT & SUBMIT: On STD 840 (Side 2), document the publication name(s) in which you published advertisement(s), the contact name and phone number, duration of the ad, and first date the ad appeared. Include a copy(ies) of the advertisement(s) with your bid.

Step 4 Invitations to Participate

WHO: Invite (solicit) DVBEs who can provide relevant goods and/or services to this solicitation to subcontract with you. Conducting Steps 1 through 3 produces a list of DVBEs from which you may choose potential DVBEs subcontractors/suppliers to contact. Bidders are advised to contact as many DVBEs (who provide relevant goods and/or services in the applicable location(s)) as possible. Non-California-certified DVBEs are not eligible -- please refer those DVBEs to the DGS-PD Office of Small Business & DVBE Certification to learn about certification (see the Resources & Information page for contact information).

Exhibit 5B, Disabled Veteran Business Enterprise (DVBE) Participation Requirements

FOR WHAT: Solicit DVBEs for goods and/or services relevant to the DDTP's solicitation. If you are unable to identify specific portion(s) of the proposed contract to subcontract, the DDTP encourages bidders to avoid making a predetermination that no DVBEs are able to perform without first contacting and soliciting participation from them. This allows DVBEs to respond whether they can or cannot provide any goods or services related to the solicitation, and provides a bidder with responses for consideration.

HOW TO INVITE & CONTENT REQUIREMENTS: Written invitations or offers are required. At a minimum, invitations must contain all of the following: (1) company name; (2) contact name; (3) address; (4) phone and facsimile (if applicable) numbers; (5) return e-mail address (if applicable); (6) the state's solicitation number; (7) goods and/or services for which the state is soliciting; (8) location of work; and (9) the State's bid(s) due date and/or your due date for receiving sub-bids.

DOCUMENT & SUBMIT: Bidders must document the completed contacts on STD 840 (Side 1), Section A. Attach additional pages to list all other DVBE contacts. You are required to attach a copy of: (1) each invitation or offer sent by letter, fax or e-mail; and (2) documentation of each invitation or offer made by phone, indicating the date, time, contact person and business opportunities discussed. Your bid shall be considered non-responsive if it fails to include copies of the written or telephone invitations.

Step 5 Consider all responding DVBEs for contract participation. Consideration must be based on business needs for the contract and the same criteria must be applied to each potential DVBE subcontractor/supplier. You must document on STD 840 (Side 1), Section A whether a firm was selected for participation, and if not selected, then also document the reason for non-selection. Attach additional pages for documenting consideration of all other DVBEs contacted.

OPTION C – THE DVBE BUSINESS UTILIZATION PLAN (BUP) option permits bidders to submit an approved DVBE BUP to satisfy DVBE participation solicitation requirements up to 3%. **DVBE BUPs apply only to solicitations for goods and information technology (IT) goods and services.** DVBE BUPs are a company's commitment to expend a minimum of 3% of its total statewide contract dollars with DVBEs -- this percentage is based on all of its contracts in the State, not just those with the DDTP and the State. DVBE BUPs must be submitted to and approved by the Department of General Services, Procurement Division (DGS-PD) prior to the bid due date. Please call the DGS-PD, Office of Small Business & DVBE Outreach & Education for assistance. Bidders choosing this option must properly complete and submit STD 840 (Side 1) and include a copy of its approval letter with the bid; failure to submit these documents shall render your bid non-responsive.

Exhibit 5B, Disabled Veteran Business Enterprise (DVBE) Participation Requirements

RESOURCES & INFORMATION

For assistance in preparing a responsive Attachment 1, contact the DGS person listed in RFP Section 5.10. In accordance with Public Contract Code Section 10115.2(b)(3), bidders must advertise in trade and focus publications unless the DVBE goal is satisfied. The Department of General Services, Procurement Division (DGS-PD) publishes a list of trade and focus publications to assist bidders in meeting these contract requirements. To obtain this list, please contact the DGS-PD Office of Small Business & DVBE Outreach & Education and request the "DVBE Resource Packet."

U.S. Small Business Administration (SBA)

Internet contact only – see instructions for website navigation
PRONET Database: <http://www.pro-net.sba.gov/>

FOR:

Service-Disabled Veteran-owned businesses in California

(Remember to verify each DVBE's California certification.)

Local Organizations (see the DVBE Resources Packet available from DGS-PD DVBE Program Unit listed below)

FOR:

List of potential DVBE subcontractors

DGS-PD Office of Small Business & DVBE Certification

707 Third Street, Room 400, West Sacramento, CA 95605

Website: <http://www.dgs.ca.gov/osbcr>

24-hour automated information

& document requests: (916) 327-9978

Receptionist: (916) 375-4940

Fax: (916) 375-4950

FOR:

Directory of Certified DVBEs
Certification Applications
Certification Information
Certification Status, Concerns

DGS-PD Office of Small Business & DVBE Outreach & Education

707 Third Street, 2nd Floor, West Sacramento, CA 95605

Voice, 8 a.m.—5p.m.: (800) 559-5529

Fax: (916) 375-4662

FOR:

Attachment 1
DVBE Program Info. & Statewide Policy
DVBE Resource Packets
Business Utilization Plan Applications
DGS-PD DVBE Advocates

Department of Veterans Affairs, Statewide DVBE Advocate

1227 O Street, Room 404, Sacramento, CA 95814

Voice: (916) 653-2374

E-mail: Jack.Byrd@cdva.ca.gov

FOR:

Statewide DVBE Advocate (Interim)
Contract Officer

Commercially Useful Function Definition

California Code of Regulations, Title 2, § 1896.61(l):

The term "DVBE contractor, subcontractor or supplier" means any person or entity that satisfies the ownership (or management) and control requirements of Section 1896.61(f); is certified in accordance with Section 1896.70; and provides services or goods that contribute to the fulfillment of the contract requirements by performing a commercially useful function. A DVBE contractor, subcontractor or supplier is considered performing a commercially useful function when it meets the following criteria:

Exhibit 5B, Disabled Veteran Business Enterprise (DVBE) Participation Requirements

(1) The business concern is: responsible for the execution of a distinct element of the work of the contract; carrying out its obligation by actually performing, managing or supervising the work involved; and performing work that is normal for its business services and functions, and

(2) The business concern is not further subcontracting a greater portion of the work than would be expected by normal industry practices.

ADVERTISEMENT FORMAT EXAMPLES

These examples offer a suggested format that includes required information outlined in Option B, Good Faith Effort, Step 3. You may substitute the applicable information for the bolded, italicized words.

For Network Services component bids:

DVBEs are invited to participate as a potential subcontractor/supplier to perform a commercially useful function specific to the DDTP CRS RFP for Network Services.

The DDTP RFP may be viewed at:
www.ddtp.org/EquipmentAndServices/CRS/RFP.htm

*Sub-bids due to me X/X/02;
Bids due to the DDTP 5/31/02.*

Contact: **ABC Company**
Jane Doe, General Manager
123 Main St., San Francisco, CA 95555
voice: **555/555-5555**, fax: **555/555-5556**
or e-mail: jane.doe@abcco.com

For Call Center Services component bids:

DVBEs are invited to participate as a potential subcontractor/supplier to perform a commercially useful function specific to the DDTP CRS RFP for Call Center Services.

The DDTP RFP may be viewed at:
www.ddtp.org/EquipmentAndServices/CRS/RFP.htm

*Sub-bids due to me X/X/02;
Bids due to the DDTP 5/31/02.*

Contact: **ABC Company**
Jane Doe, General Manager
123 Main St., San Francisco, CA 95555
voice: **555/555-5555**, fax: **555/555-5556**
or e-mail: jane.doe@abcco.com

For Network Management Service component bids:

DVBEs are invited to participate as a potential subcontractor/supplier to perform a commercially useful function specific to the DDTP CRS RFP for Network Management Services. The DDTP RFP may be viewed at:
www.ddtp.org/EquipmentAndServices/CRS/RFP.htm

*Sub-bids due to me X/X/02;
Bids due to the DDTP 5/31/02.*

Contact: **ABC Company**
Jane Doe, General Manager
123 Main St., San Francisco, CA 95555
voice: **555/555-5555**, fax: **555/555-5556**
or e-mail: jane.doe@abcco.com

Exhibit 5B, Disabled Veteran Business Enterprise (DVBE) Participation Requirements

DOCUMENTATION OF DISABLED VETERAN BUSINESS ENTERPRISE PROGRAM REQUIREMENTS

STD 840 (REV. 1-02)

Designation Of Option Check the appropriate box(es) to indicate the option(s) with which you choose to comply, complete the applicable sections and attach the required supporting documentation. You are advised to read all instructions carefully prior to completing this form. Remember that only California certified DVBEs who can provide related goods and/or services may be used to satisfy these program solicitation requirements.

- ☐ **OPTION A – I commit to meeting the full DVBE contract participation requirement.**
Complete STD 840 Section A
- ☐ **OPTION B – I performed and documented a Good Faith Effort (GFE) in attempt to obtain DVBE participation.**
Complete STD 840, Section A (for GFE Steps 4 & 5) and STD 840 (REVERSE), Section B (for GFE Steps 1–3).
- ☐ **OPTION C – I submit a copy of my firm's "Notice of Approved DVBE Business Utilization Plan."**

A. Full information must be provided.

For contract participation commitment, at least one DVBE must be listed. DVBEs must perform a commercially useful function. List the specific goods and/or services with the dollar and/or percentage value(s) that the DVBE(s) commit(s) to provide and the DVBE's tier (prime contractor = 0, subcontractor to prime contractor = 1, subcontractor to Tier 1 subcontractor = 2, etc.). If both the estimated dollar amount and percentage are listed, the higher value supercedes. Attach additional pages to list all other DVBE subcontractors/suppliers (you may use STD 840-A). During contract performance, all requests for substituting named DVBEs must be made in accordance with the provisions of California Code of Regulations, Title 2, Section 1896.64(c).

For Good Faith Effort (GFE), use this section to document your first completed contacts with (Step 4), and consideration of (Step 5), relevant DVBEs. Business reasons for non-selection must be documented. Attach additional pages to list all other DVBE contacts (you may use STD 840-A). Copies of all written and phone invitations must also be attached and submitted with the bid.

BOTH SECTIONS MUST BE COMPLETED FOR GOOD FAITH EFFORT AT LEAST ONE DVBE MUST BE NAMED FOR PARTICIPATION	Date Contacted / /		DVBE Company Name (If you are the Prime and a DVBE enter your name, otherwise enter the solicited subcontractor.)			
	DVBE Contact Name & Reference #		Telephone Number ()	Fax Number ()	E-mail (if available)	
	Street Address, City, State and Zip Code					
	OR	<input type="checkbox"/> Yes I am, or I will subcontract with, the listed DVBE to provide the following goods and/or services:				
		Specific Goods and/or Services			Estimated \$ and/or % \$ / %	Tier
		<input type="checkbox"/> No, I am unable to subcontract with the DVBE for the following business reasons:				
	Date Contacted / /		DVBE Company Name			
	DVBE Contact Name		Telephone Number ()	Fax Number ()	E-mail (if available)	
	Street Address, City, State and Zip Code					
OR	<input type="checkbox"/> Yes I will subcontract with the listed DVBE to provide the following goods and/or services:					
	Specific Goods and/or Services			Estimated \$ and/or % \$ / %	Tier	
	<input type="checkbox"/> No, I am unable to subcontract with the DVBE for the following business reasons:					

ATTACH ADDITIONAL PAGES (OR USE STD 840-A) TO LIST ALL OTHER DVBE CONTACTS

Go to Side 2, Section B to continue Good Faith Effort documentation ⇨

Exhibit 5B, Disabled Veteran Business Enterprise (DVBE) Participation Requirements

DOCUMENTATION OF DISABLED VETERAN BUSINESS ENTERPRISE PROGRAM REQUIREMENTS

STD 840 (REV. 1-02) (REVERSE)

B. Documentation of Good Faith Effort Steps 1, 2 and 3 — Remember to carefully read all instructions prior to completing this form. Please refer to the Resources & Information pages for detailed contact information and a sample advertisement format.

STEP 1 Contact the DDTP CRS Procurement Official (listed in RFP Section 1.5) to identify potential DVBE subcontractors/suppliers, and document this contact as required.

Date / /	Contact Name	Telephone Number ()
Describe Result		

STEP 2 Contact all of the following and document your contacts as required: Other state and federal agencies and local organizations to identify potential DVBE subcontractors/suppliers.

Other State Agency — Procurement Division, Office of Small Business & DVBE Certification (Certification Office)

PHONE CONTACT OR ONLINE SEARCH	Date / /	Telephone Number (916) 322-5060 (916) 375-4940	Contact Name	<input type="checkbox"/> I contacted the Certification Office for a list of California certified DVBEs.
	Date / /	Internet Address http://www.dgs.ca.gov/osbcr		<input type="checkbox"/> I searched the Certification Office's online database to identify California certified DVBEs.

Describe Result

Federal Agency—U.S. Small Business Administration (SBA) online database

Date / /	Internet Address http://www.pro-net.sba.gov	<input type="checkbox"/> I searched the federal online database for California DVBEs.
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Describe Result

Local DVBE Organizations—Contact at least one local DVBE organization—refer to the DVBE Resources Packet for a list of acceptable contacts.

Date / /	Organization Name	Contact Name	Telephone Number and/or Internet Address () http://www .
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Describe Result

Date / /	Organization Name	Contact Name	Telephone Number and/or Internet Address () http://www .
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Describe Result

STEP 3—Publish advertisements: Two (2) advertisements: One (1) ad in an accepted trade paper; and one (1) ad in an accepted DVBE focus paper (please see the DVBE Resource Packet for a list of all accepted publications); unless the paper is dual purpose (fulfilling both trade and focus requirements), in which case one (1) ad is acceptable.

Document this step as required and remember to attach a copy of your advertisement(s).

Focus Paper Name (list full name)	Contact Name	Telephone Number ()
--	--------------	-------------------------

Address	Duration of Ad	First Date Ad Published / /
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Trade Paper Name (list full name)	Contact Name	Telephone Number ()
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Address	Duration of Ad	First Date Ad Published / /
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☐ I certify the ad was placed to reach both trade & focus audiences through this one publication.

Trade & Focus Paper Name (list full name)	Contact Name	Telephone Number ()
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Address	Duration of Ad	First Date Ad Published / /
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Exhibit 5B, Disabled Veteran Business Enterprise (DVBE) Participation Requirements

ADDITIONAL DISABLED VETERAN BUSINESS ENTERPRISE CONTACTS

STD 840-A (REV. 1-02)

This document may be used as a continuation from Section A, STD 840 (REV. 1-02)

Date Contacted / /	DVBE Company Name		
-----------------------	-------------------	--	--

DVBE Contact Name	Telephone Number ()	Fax Number ()	E-mail (if available)
-------------------	-------------------------	-------------------	-----------------------

Street Address, City, State and Zip Code

OR	<input type="checkbox"/> Yes, I will subcontract with the listed DVBE to provide the following goods and/or services:		
	Specific Goods and/or Services	Estimated \$ and/or % \$ / %	Tier
	<input type="checkbox"/> No, I am unable to subcontract with the DVBE for the following business reasons:		

Date Contacted / /	DVBE Company Name		
-----------------------	-------------------	--	--

DVBE Contact Name	Telephone Number ()	Fax Number ()	E-mail (if available)
-------------------	-------------------------	-------------------	-----------------------

Street Address, City, State and Zip Code

OR	<input type="checkbox"/> Yes, I will subcontract with the listed DVBE to provide the following goods and/or services:		
	Specific Goods and/or Services	Estimated \$ and/or % \$ / %	Tier
	<input type="checkbox"/> No, I am unable to subcontract with the DVBE for the following business reasons:		

Date Contacted / /	DVBE Company Name		
-----------------------	-------------------	--	--

DVBE Contact Name	Telephone Number ()	Fax Number ()	E-mail (if available)
-------------------	-------------------------	-------------------	-----------------------

Street Address, City, State and Zip Code

OR	<input type="checkbox"/> Yes, I will subcontract with the listed DVBE to provide the following goods and/or services:		
	Specific Goods and/or Services	Estimated \$ and/or % \$ / %	Tier
	<input type="checkbox"/> No, I am unable to subcontract with the DVBE for the following business reasons:		

Date Contacted / /	DVBE Company Name		
-----------------------	-------------------	--	--

DVBE Contact Name	Telephone Number ()	Fax Number ()	E-mail (if available) @
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Street Address, City, State and Zip Code

OR	<input type="checkbox"/> Yes, I will subcontract with the listed DVBE to provide the following goods and/or services:		
	Specific Goods and/or Services	Estimated \$ and/or % \$ / %	Tier
	<input type="checkbox"/> No, I am unable to subcontract with the DVBE for the following business reasons:		

Exhibit 5B, Disabled Veteran Business Enterprise (DVBE) Participation Requirements

ADDITIONAL DISABLED VETERAN BUSINESS ENTERPRISE CONTACTS

STD 840-A (REV. 1-02) (REVERSE)

Date Contacted / /	DVBE Company Name		
DVBE Contact Name	Telephone Number ()	Fax Number ()	E-mail (if available)
Street Address, City, State and Zip Code			

OR	<input type="checkbox"/> Yes, I will subcontract with the listed DVBE to provide the following goods and/or services:		
	Specific Goods and/or Services	Estimated \$ and/or % \$ / %	Tier
	<input type="checkbox"/> No, I am unable to subcontract with the DVBE for the following business reasons:		

Date Contacted / /	DVBE Company Name		
DVBE Contact Name	Telephone Number ()	Fax Number ()	E-mail (if available)
Street Address, City, State and Zip Code			

OR	<input type="checkbox"/> Yes, I will subcontract with the listed DVBE to provide the following goods and/or services:		
	Specific Goods and/or Services	Estimated \$ and/or % \$ / %	Tier
	<input type="checkbox"/> No, I am unable to subcontract with the DVBE for the following business reasons:		

Date Contacted / /	DVBE Company Name		
DVBE Contact Name	Telephone Number ()	Fax Number ()	E-mail (if available)
Street Address, City, State and Zip Code			

OR	<input type="checkbox"/> Yes, I will subcontract with the listed DVBE to provide the following goods and/or services:		
	Specific Goods and/or Services	Estimated \$ and/or % \$ / %	Tier
	<input type="checkbox"/> No, I am unable to subcontract with the DVBE for the following business reasons:		

Date Contacted / /	DVBE Company Name		
DVBE Contact Name	Telephone Number ()	Fax Number ()	E-mail (if available)
Street Address, City, State and Zip Code			

OR	<input type="checkbox"/> Yes, I will subcontract with the listed DVBE to provide the following goods and/or services:		
	Specific Goods and/or Services	Estimated \$ and/or % \$ / %	Tier
	<input type="checkbox"/> No, I am unable to subcontract with the DVBE for the following business reasons:		

Exhibit 5B, Disabled Veteran Business Enterprise (DVBE) Participation Requirements

ADDITIONAL DISABLED VETERAN BUSINESS ENTERPRISE CONTACTS

STD 840-A (REV. 1-02) (REVERSE)

**Exhibit 5B, Disabled Veteran Business Enterprise (DVBE) Participation
Requirements**

Attachment 1, Supplier Checklist

Please do not submit this checklist with your bid. It is provided for your use only. Checking every box of your elected compliance option does not guarantee that your bid will be evaluated compliant.

☐ **OPTION A: COMMITMENT TO DVBE CONTRACT PARTICIPATION**

- ☐ STD 840 included with bid
 - ☐ Designated the Commitment Option – Checked the first box
 - ☐ Listed at least one California certified DVBE subcontractor
 - ☐ Checked the box(es) for “Yes ...”
 - ☐ Listed specific goods and/or services DVBE(s) agrees to provide
 - ☐ Proposed DVBE contract performance is a “commercially useful function” relevant to the contract
 - ☐ Listed the estimated dollar amount and/or percentage of contract for the DVBE’s participation
 - ☐ Proposed DVBE participation meets the 3% requirement (unless a different percentage is specified)
 - ☐ Attached a copy of the DVBE’s certification letter from the Department of General Services
-

☐ **OPTION B: GOOD FAITH EFFORT (GFE)**

- ☐ STD 840 included with bid
 - ☐ Designated the GFE Option – Checked the second box
 - ☐ (Step 4) Listed all DVBEs contacted and invited to perform on the proposed contract
 - ☐ Confirmed that listed DVBEs are California certified
 - ☐ Attached copies of the invitations sent to the listed DVBEs and documentation of phone invitations
 - ☐ Invitations included the required contact information
 - ☐ (Step 5) Checked the “No” boxes and listed the business reasons for non-selection of DVBEs contacted
 - ☐ (Step 1) Contacted the Awarding Department and listed contact and results
 - ☐ (Step 2) Contacted Other State agency (Office of Small Business & DVBE Certification) and listed the contact and results
 - ☐ (Step 2) Searched the Federal Pro-net internet database and noted the results
 - ☐ (Step 2) Contacted Local DVBE Organization(s) and listed the contact and results
 - ☐ (Step 3) Advertised – IF NOT WAIVED
 - Listed full information for the advertisement(s) and publication(s)
 - [2 ads in one trade and in one DVBE focus publication; **OR** 1 ad in one dual-purpose publication]
 - ☐ Attached a copy of the advertisement(s)
 - ☐ The advertisement(s) were published for at least 7 days prior to the bid due date
 - ☐ The advertisement(s) included my required contact information
-

☐ **OPTION C: BUSINESS UTILIZATION PLAN (BUP)**

- ☐ *Prior to the bid due date* -- Submitted a BUP to DGS-PD and received approval
 - ☐ STD 840 included with bid
 - ☐ Designated the BUP Option – Checked the third box
 - ☐ Attached a copy of the BUP Approval letter from DGS-PD
-